

SUMMARY OF NRC MEETING ON
STRATEGY FOR CLEANUP OF CONTAMINATED MATERIALS SITES

DECEMBER 21, 1989
(by W. Rowe)

NRC senior staff and five Commissioners held a public meeting at NRC Headquarters in Rockville, Maryland from 2:00 - 3:30 pm on Thursday December 21, 1989. The meeting was in large part run by Robert M. Bernero, Director of Nuclear Material Safety and Safeguards. The five Commissioners are:

- Chairman Carr
- Thomas Roberts
- Kenneth Rogers
- James Curtis
- Forest J. Remick

The meeting was in part the result of the August 3, 1989, Synar Hearings. Topics covered at the meeting are summarized below and indicate that NRC is attempting to scope out problem sites and establish a strategy for responding to hazards at each of them (the "Problem Sites Program").

IDENTIFICATION OF CONTAMINATED SITES

NRC knows of 39 sites in non-agreement States where significant decontamination efforts are required. Some of these sites have approved decommissioning plans, some have pending decommissioning plans, and some have neither.

NRC does not know how many contaminated sites exist in Agreement States (like Texas). They do not know how many sites with terminated licenses may be contaminated. As Chairman Carr asked at the meeting, "How many other West Lakes are there"? (West Lake is a mixed waste landfill on the NPL in Region 5).

To answer this question, NRC is conducting a review of CERCLIS. NRC also plans to conduct a terminated license survey (after 1965) beginning in FY 1991. This may include contacting State Programs.

It is important to note that the Hazardous Ranking Model criteria for a release and NRC Hazards criteria at sites are not the same. The HRS Model defines a release as 3 times above background or above minimum detection levels, while some levels for NRC become a concern only when they are "above regulatory criteria" (e.g. 30 pCi/g for natural U in soil, 35 pCi/g for depleted U). Thus, EPA may initiate response actions at sites where NRC may not.

ESTABLISHMENT OF DECOMMISSIONING CRITERIA

Currently, there is a lack of definitive residual radioactivity criteria. EPA is overdue in promulgating residual radioactivity standards in 40 CFR 194. NRC is planning to establish its own interim criteria in January 1990. Rulemaking will take about 2 years. When EPA's criteria are final then they will apply to NRC.



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In addition to residual radioactivity criteria, NRC is aware of the need to address non-radiological hazards.

The important point is that residual radioactivity standards will be ARARs, and need to be taken into account before terminating a license or delisting a site.

Where contamination is a problem, and a license has been terminated, NRC is currently without procedures. A number of options were discussed and will receive consideration. These are:

- re-open the license
- issue an Order
- use Superfund as a fallback

ESTABLISHMENT OF DECOMMISSIONING PLANS AND SCHEDULES

Three issues of importance were discussed relating to NRC response actions.

- 1) NRC has a new decommissioning rule which requires licensees (e.g. PRPs) to develop a funding plan for response actions which includes financial assurance requirements. This is similar to requiring PRPs to demonstrate that they are viable.
- 2) NRC is studying the issue of timing requirements for decontamination and decommissioning. When should closure be required? Sooner rather than later?
- 3) Interaction with Superfund.
 - avoid conflicting dual regulation (e.g. AEA waste).
NRC addresses the portion of a site which is AEA waste.
At Cushing this would mean contaminated buildings and possibly pit & lagoons with mixed waste.
 - possibly use Superfund when NRC actions are exhausted, e.g. to pursue PRPs as in the J.C. Haynes case
 - need to agree on NRC/EPA roles

IMPLEMENTATION OF NRC REQUIREMENTS THROUGH ENFORCEMENT AUTHORITIES

NRC General Council had ruled that NRC has authority to issue Orders at sites where licenses have been terminated. NRC is considering language for a standard clause in the regulations to allow NRC to require further response actions at site where licenses have been terminated.

GENERAL CONCLUSIONS OF THE CHAIRMAN

He believes the number of problem sites is much larger than his staff have so far indicated.

He believes that the NRC staff needs to get moving on this issue, and that there is room of cooperation with EPA.

He requested that the staff prepare workplans for each of the 39 problem sites with the problem defined, and a schedule for response. NRC staff will have a draft by mid-January and will present the workplans to the Commission in February.

FOLLOW-UP ACTIONS REQUIRED

Obtain workplans for Region 6 sites for review and comment.

Efforts on Homestake MOU.

Kerr-McKee Cushing coordination.